

# Agenda of Special Meeting

## The Board of Trustees Waco Independent School District

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A Special Meeting of the Board of Trustees of Waco Independent School District will be held August 4, 2016, beginning at 6:00 PM in the WISD Conference Center, 115 S 5th Street, Waco, Texas.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice.

- I. CALL TO ORDER
- II. ESTABLISHMENT OF QUORUM
- III. CLOSED SESSION
  - A. Texas Government Code Section:
    - 1. 551.74 Personnel Matters
      - a. Considering Hiring of Administrators
- IV. DISCUSSION AND POSSIBLE ACTION ON AUGUST 25, 2016
  - A. Receive Information on the Proposed Budget and Tax Rate for the 2016-17 Fiscal Year 2
- V. DISCUSSION AND POSSIBLE ACTION ON AUGUST 4, 2016
  - A. Consider Proposed Tax Rate and Set Date, Time, and Place for Public Meeting to Discuss Budget and Proposed Tax Rate for the 2016-17 Fiscal Year 3
  - B. Consider Hiring of Administrators 4
  - C. Consider 2016-2017 Employee Compensation Plan 5
  - D. Approve the 2016-2017 WISD Student Code of Conduct (SCC) 18
- VI. ADJOURNMENT

**Waco Independent School District**

**Board of Trustee Meeting Agenda Item**

**Date:** August 4, 2016

**Contact Person:** Sheryl Davis

**RE:           Receive Information on the Proposed Budget and Proposed Tax Rate for the 2016-17 Fiscal Year**

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**Background Information:**

On or before a date set by the State Board of Education, the superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of the district for the following fiscal year. The budget must be prepared according to generally accepted accounting principles; rules adopted by the State Board of Education; and adopted policies of the board of trustees.

The administration will present information on the proposed budgets for funds included in the official budget as well as three funds for which the District is the fiscal agent. Information will also be presented on the proposed tax rate including a review of the draft notice for publication.

**Fiscal Implications:**

None

**Administrative Recommendations:**

No action will be required at this meeting, both the 2016-17 budget and 2016 proposed tax rate will be presented on August 25, 2016, for approval subsequent to the public hearing.

**Waco Independent School District**

**Board of Trustee Meeting Agenda Item**

**Date:** August 4, 2016

**Contact Person:** Sheryl Davis

**RE: Consider Proposed Tax Rate and Set Date, Time, and Place for Public Meeting to Discuss Budget and Proposed Tax Rate for the 2016-17 Fiscal Year**

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**Background Information:**

In accordance with Texas Education Code Section 44.004, NOTICE OF BUDGET AND TAX RATE MEETING; BUDGET ADOPTION, when the budget has been prepared under section 44.002, the president shall call a meeting of the Board of Trustees for the purpose of adopting a budget for the succeeding fiscal year. The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. The president shall provide for the publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district.

Inasmuch as the budget has been prepared as required under Section 44.002, the Board of Trustees should consider the proposed tax rate and set the date, time, and place to invite public discussion on the proposed 2016-17 budget and the 2016 tax rate to support the proposed budget.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown on the notice unless the district publishes a revised notice containing the same information and comparisons and holds another public meeting to discuss the revised notice.

A public notice of the date of the meeting should be published in the Waco Tribune between the 30<sup>th</sup> and 10<sup>th</sup> day prior to the public meeting.

At the meeting, the administration will present the budget and proposed tax rate for the 2016-17 fiscal year.

**Fiscal Implications:**

None

**Administrative Recommendations:**

The administration recommends that the Board of Trustees set the proposed tax rate for publication of the Notice of Public Meeting to Discuss Budget and Proposed Tax Rate to be held on August 25, 2016 at 7:00 p.m. at the Waco ISD Administration Building, as presented.

**Waco Independent School District**  
***Board of Trustees Meeting Agenda Item***

**Date:** August 4, 2016

**Contact Person:** Elaine Botello

**RE:**           **Consider Hiring of Administrators**

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**Background Information:**

According to policy DC (Local), the Board retains final authority for employment of all administrative personnel. The Administration recommends that the Board of Trustees approve the employment of the administrator(s) as presented.

- Elementary Assistant Principal
- Middle School Assistant Principal
- High School Assistant Principal

**Fiscal Implications:**

Salaries included in fiscal year budget.

**Administrative Recommendation(s):**

The Administration recommends that the Board of Trustees approve the employment of named candidate(s) (provided under separate cover) for the administrative position(s) as presented.

**Waco Independent School District *Board of***  
***Trustees Meeting Agenda Item***

**Date:** August 4, 2016

**Contact Person:** Elaine Botello

**RE:** **Consider 2016-2017 Employee Compensation Plan**

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**Background Information:**

According to District Policy DEA (Local), the Superintendent shall recommend to the Board pay structures and a compensation plan for all District employees. The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget.

**Teacher Compensation**

The proposed teacher pay schedule includes an average increase of 2% which results in an average salary increase of \$960 depending on a teacher's total years of experience (based on service record). The proposed teacher pay scale interval varies from \$300 to \$500. (The proposed 2016-2017 schedule is attached.)

**Non-Teaching Staff (Support Staff) Pay Increases**

The recommended 2016-2017 compensation plan for non-teaching employees (administrative/professional, paraprofessional, and auxiliary staff) includes an increase of 2% of the midpoint of the assigned pay scale.

The proposed 2016-2017 schedules are attached. Schedule pay grade ranges are typically adjusted to reflect one-half of the prior year's general increase, depending on economic conditions. However, the pay schedules for auxiliary and paraprofessional employees have received larger adjustments to reflect the District's efforts to increase entry level pay grades to a livable wage. As beginning wage rates are increased, the minimum, midpoint, and maximum of each pay grade is consequently adjusted to maintain the integrity of the pay schedule. The percent increase of the beginning midpoint of each pay schedule is indicated below.

**Administrative/Professional: Salary Adjustments**

(The proposed 2016-2017 schedule is attached.)

The starting hourly rate for entry level administrative/professional staff will increase from \$215.15 to \$221.68 per day. This reflects a 1.5% adjustment to the administrative/professional pay schedule.

**Auxiliary Staff: Salary Adjustments**

(The proposed 2016-2017 schedule is attached.)

The starting hourly rate for entry level auxiliary staff (Custodial and Cafeteria workers) will increase from \$9.00 to \$9.55 per hour. This reflects a 6.2% adjustment to the paraprofessional pay schedule.

Note: If the 2% general increase results in a pay rate that is below the new minimum of the employee's assigned pay grade the employee will receive an additional adjustment to bring them to the minimum rate.

**Paraprofessional Staff: Salary Adjustments**

(The proposed 2016-2017 schedule is attached.)

The starting hourly rate for entry level paraprofessional staff (Campus Clerks/Receptionist, CNS Clerk) will increase from \$10.25 to \$10.50 per hour. This reflects a 2.5% adjustment to the paraprofessional pay schedule.

Note: If the 2% general increase results in a pay rate that is below the new minimum of the employee's assigned pay grade the employee will receive an additional adjustment to bring them to the minimum rate.

**Substitute Staff Daily Rate Schedule**

(The proposed 2016-2017 schedule is attached.)

In an effort to recruit and retain substitute staff and encourage substitutes to work / accept assignments more often, administration recommends the following:

- Increase the daily pay rate for substitute staff by \$2.00.
- Pay an additional \$5.00 to the proposed daily rate to substitute paraprofessionals and teachers who work on Fridays.
- Implement a daily rate of \$75 for "Long Term" paraprofessional substitutes. Paraprofessional substitutes must work 20 consecutive days in the same assignment to earn the long term rate (new rate begins on the 21<sup>st</sup> date).
- Increase "Long Term" teacher substitute (certified only) daily rate from \$120 per day to \$125 per day.
- Continue to pay the 30/60 consecutive day incremental pay incentive.

**Temporary and Extra Duty (Non-Substitute) Pay Schedule:**

(The proposed 2016-2017 schedule is attached.)

The 2016-2017 temporary staff and extra duty pay schedule had the following changes:

Auxiliary	Cafeteria Temp Labor Pool	\$	8.50	Hourly Rate
Auxiliary	Custodial Temp Labor Pool	\$	8.50	Hourly Rate
Auxiliary	Game Help - Reserve Ushers	\$	8.50	Hourly Rate
Auxiliary	Game Help - Scoreboard	\$	8.50	Hourly Rate
Auxiliary	Game Help - Spotter	\$	8.50	Hourly Rate
Auxiliary	Game Help - Tea Sales	\$	8.50	Hourly Rate
Auxiliary	Game Help - Ticket Taker	\$	8.50	Hourly Rate

**Stipend Schedule:**

(The proposed 2016-2016 schedule is attached.)

In an effort to recruit and retain CNA teachers, administration recommends the following new annual stipends to add to the 2016-2017 stipend schedule:

- \*\$8,000 Certified Nurse Assistant (CNA) Course (w/ Texas Department of Aging and Disability Services approval). Teacher must have an RN designation.
- \*\$8,000 Advance CNA Course. Teacher must have an RN designation.
- \*\$4,000 CNA course (w/ Texas Department of Aging and Disability Services approval). Teacher must have an LVN designation.

\*Stipends are prorated by the number of class periods taught.

\*\*A state approved RN or higher designation teaching the CNA course does not qualify for the \$4,000 stipend as they will receive the \$8,000 stipend.

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**Note:** *Employee salaries will not exceed the maximum of the assigned pay grade.*

- *Employees who previously received written notification from the human resources department stating that their salary was frozen until the midpoint of their assigned pay grade catches up will not receive the 2016-2017 board approved raise.*
- *Employees over the maximum salary of their assigned paygrade will not receive a pay increase.*
- *Employees who are close to the maximum of their assigned paygrade will receive the board adopted pay increase up to the maximum.*

**Fiscal Implication:**

Cost of the pay increases is included in the 2016-2017 proposed budget.

**Administrative Recommendation(s):**

The administration recommends approval of the employee compensation plan, as presented.



## 2016-17 Proposed Teacher Schedule

A	B	C	D	E	F	G	H	Teacher Schedule/Draft 2016-17			
Step	Number of Teachers	Current Salary Schedule	Current Interval	Proposed 2016-17 Schedule	Scale Interval	Scale Difference	Inc/Dec	Current Salary Cost	Total Cost	Actual Increase	Percent Increase
0	150	45,000		45,500		500		6,750,000	6,825,000		
1	108	45,300	300	45,800	300	500	800	4,892,400	4,946,400	120,000	1.8%
2	83	45,600	300	46,100	300	500	800	3,784,800	3,826,300	86,400	1.8%
3	47	45,900	300	46,400	300	500	800	2,157,300	2,180,800	66,400	1.8%
4	30	46,200	300	46,800	400	600	900	1,386,000	1,404,000	42,300	2.0%
5	56	46,500	300	47,200	400	700	1,000	2,604,000	2,643,200	30,000	2.2%
6	37	46,800	300	47,600	400	800	1,100	1,731,600	1,761,200	61,600	2.4%
7	36	47,100	300	48,000	400	900	1,200	1,695,600	1,728,000	44,400	2.6%
8	44	47,500	400	48,400	400	900	1,300	2,090,000	2,129,600	46,800	2.8%
9	27	47,900	400	48,800	400	900	1,300	1,293,300	1,317,600	57,200	2.7%
10	23	48,300	400	49,200	400	900	1,300	1,110,900	1,131,600	35,100	2.7%
11	29	48,800	500	49,600	400	800	1,300	1,415,200	1,438,400	29,900	2.7%
12	29	49,300	500	50,000	400	700	1,200	1,429,700	1,450,000	34,800	2.5%
13	30	49,800	500	50,400	400	600	1,100	1,494,000	1,512,000	31,900	2.2%
14	23	50,300	500	50,800	400	500	1,000	1,156,900	1,168,400	30,000	2.0%
15	15	50,800	500	51,200	400	400	900	762,000	768,000	20,700	1.8%
16	18	51,300	500	51,700	500	400	900	923,400	930,600	13,500	1.8%
17	16	51,800	500	52,200	500	400	900	828,800	835,200	16,200	1.8%
18	11	52,300	500	52,700	500	400	900	575,300	579,700	14,400	1.7%
19	13	52,800	500	53,200	500	400	900	686,400	691,600	9,900	1.7%
20	9	53,300	500	53,700	500	400	900	479,700	483,300	11,700	1.7%
21	12	53,800	500	54,200	500	400	900	645,600	650,400	8,100	1.7%
22	11	54,300	500	54,700	500	400	900	597,300	601,700	10,800	1.7%
23	13	54,800	500	55,200	500	400	900	712,400	717,600	9,900	1.7%
24	17	55,300	500	55,700	500	400	900	940,100	946,900	11,700	1.6%
25	15	55,800	500	56,200	500	400	900	837,000	843,000	15,300	1.6%
26	9	56,300	500	56,700	500	400	900	506,700	510,300	13,500	1.6%
27+	70	56,700	400	57,200	500	500	900	3,969,000	4,004,000	71,100	1.6%
Group 1	5	59,900	3,200	60,700	700	800	800	299,500	303,500	4,000	1.3%
Group 2	7	60,800	900	61,600	700	800	800	425,600	431,200	5,600	1.3%
<b>Total</b>	<b>993</b>							<b>48,180,500</b>	<b>48,759,500</b>	<b>953,200</b>	<b>2.0%</b>

**2016-2017  
Proposed  
Support Staff Pay Schedule**

Pay Grade	2015-16 Auxiliary Schedule		
	*Minimum	*Midpoint	*Maximum
300	\$ 8.00	\$ 10.00	\$ 12.00
301	\$ 9.00	\$ 11.25	\$ 13.50
302	\$ 9.90	\$ 12.38	\$ 14.86
303	\$ 10.90	\$ 13.62	\$ 16.34
304	\$ 11.98	\$ 14.98	\$ 17.98
305	\$ 13.18	\$ 16.48	\$ 19.78
306	\$ 14.50	\$ 18.13	\$ 21.76
307	\$ 15.95	\$ 19.94	\$ 23.93
308	\$ 17.54	\$ 21.93	\$ 26.32
309	\$ 19.30	\$ 24.12	\$ 28.94
310	\$ 21.22	\$ 26.53	\$ 31.84
311	\$ 23.34	\$ 29.18	\$ 35.02

Pay Grade	2016-17 Auxiliary Schedule		
	*Minimum	*Midpoint	*Maximum
300	\$ 8.50	\$ 10.62	\$ 12.74
301	\$ 9.55	\$ 11.94	\$ 14.33
302	\$ 10.45	\$ 13.06	\$ 15.67
303	\$ 11.44	\$ 14.30	\$ 17.16
304	\$ 12.53	\$ 15.66	\$ 18.79
305	\$ 13.72	\$ 17.15	\$ 20.58
306	\$ 15.02	\$ 18.78	\$ 22.54
307	\$ 16.45	\$ 20.56	\$ 24.67
308	\$ 18.01	\$ 22.51	\$ 27.01
309	\$ 19.72	\$ 24.65	\$ 29.58
310	\$ 21.59	\$ 26.99	\$ 32.39
311	\$ 23.64	\$ 29.55	\$ 35.46

Pay Grade	2015-16 Paraprofessional Schedule		
	*Minimum	*Midpoint	*Maximum
201	\$ 10.25	\$ 12.81	\$ 15.37
202	\$ 11.27	\$ 14.09	\$ 16.91
203	\$ 12.40	\$ 15.50	\$ 18.60
204	\$ 13.64	\$ 17.05	\$ 20.46
205	\$ 15.01	\$ 18.76	\$ 22.51
206	\$ 16.51	\$ 20.64	\$ 24.77
207	\$ 18.16	\$ 22.70	\$ 27.24
208	\$ 19.98	\$ 24.97	\$ 29.96
209	\$ 21.98	\$ 27.47	\$ 32.96

Pay Grade	2016-17 Paraprofessional Schedule		
	*Minimum	*Midpoint	*Maximum
201	\$ 10.50	\$ 13.13	\$ 15.76
202	\$ 11.55	\$ 14.44	\$ 17.33
203	\$ 12.70	\$ 15.88	\$ 19.06
204	\$ 13.98	\$ 17.47	\$ 20.96
205	\$ 15.38	\$ 19.22	\$ 23.06
206	\$ 16.91	\$ 21.14	\$ 25.37
207	\$ 18.60	\$ 23.25	\$ 27.90
208	\$ 20.46	\$ 25.58	\$ 30.70
209	\$ 22.51	\$ 28.14	\$ 33.77

Pay Grade	2015-16 Admin/Professional Sched		
	*Minimum	*Midpoint	*Maximum
101	\$ 215.15	\$ 260.00	\$ 304.85
102	\$ 232.36	\$ 280.80	\$ 329.24
103	\$ 250.95	\$ 303.26	\$ 355.57
104	\$ 271.02	\$ 327.52	\$ 384.02
105	\$ 292.70	\$ 353.72	\$ 414.74
106	\$ 316.12	\$ 382.02	\$ 447.92
107	\$ 341.41	\$ 412.58	\$ 483.75
108	\$ 368.73	\$ 445.59	\$ 522.45
109	\$ 398.23	\$ 481.24	\$ 564.25
110			
111			

Pay Grade	2016-17 Admin/Professional Sched		
	*Minimum	*Midpoint	*Maximum
101	\$ 221.68	\$ 263.90	\$ 306.12
102	\$ 239.96	\$ 285.67	\$ 331.38
103	\$ 259.76	\$ 309.24	\$ 358.72
104	\$ 281.19	\$ 334.75	\$ 388.31
105	\$ 304.39	\$ 362.37	\$ 420.35
106	\$ 329.51	\$ 392.27	\$ 455.03
107	\$ 356.69	\$ 424.63	\$ 492.57
108	\$ 386.11	\$ 459.66	\$ 533.21
109	\$ 417.97	\$ 497.58	\$ 577.19

2016-2017  
Substitute Pay Proposal

Substitute Position	Credential Requirement	Current Daily Rate	Proposed Daily Rate	Proposed Daily Rate Friday's Only
Paraprofessional	High School Diploma / GED	\$68	\$70	\$75
*Long Term Paraprofessional	High School Diploma / GED	\$68	\$75	n/a
Teacher	** Substitute teacher must have 40+ college hours from an accredited college.	\$71	\$73	\$78
Teacher	Bachelor's Degree	\$81	\$83	\$88
Teacher	Teacher Certification	\$88	\$90	\$95
*Long Term Teacher	Bachelor's Degree	\$120	\$110	n/a
*Long Term Teacher	Teacher Certification	\$120	\$125	n/a
Assistant Principal	Principal Certification	\$175	\$178	n/a
Counselor	Counselor Certification	\$148	\$150	n/a
Nurse	LVN or RN	\$125	\$127	n/a
<b>Incremental Pay</b>				
<p><b>\$10 per day</b> will be paid in addition to the proposed daily rate for substitute teachers after 30 cumulative days worked. (New rate begins of the 31st day.)</p> <p><b>\$20 per day</b> will be paid in addition to the proposed daily rate for substitute teachers after 60 cumulative days worked. (New rate begins on the 61st day.)</p> <p><b>EXAMPLE:</b> Substitute teacher, Jane Doe, has a bachelor's degree and is getting paid \$83 per day. Once she has worked 30</p> <p><b>NOTE:</b> Substitutes who earned the cumulative day additional pay in the 2015-2016 school year will start the 2016-2017 school year back at zero (0) days and will have to work back up to the cumulative additional pay (30/60 days).</p>				
<p><b>* Long Term Assignments:</b> The substitute teacher / paraprofessional will earn their assigned daily rate (credential specific) for the first twenty consecutive days while substituting in the same assignment (without a break in service) then, provided the substitute remains in the same assignment, will earn the long-term rate of pay on the twenty first (21st) day of the assignment. Only substitute teachers with a bachelor's degree or teacher certification can earn the long term teacher pay rate.</p>				
<p><b>**Non-Degreed Substitute Teachers</b> were previously required to have 60+ college hours.</p>				

**2016-2017  
Proposed  
Temporary Employee Rates**

Classification	Position	Rate	
Auxilliary	Cafeteria Temp Labor Pool	\$ 8.50	Hourly Rate
Auxilliary	Custodial Temp Labor Pool	\$ 8.50	Hourly Rate
Auxilliary	Game Help - 25 Second Clock	\$ 16.25	Hourly Rate
Auxilliary	Game Help - Announcer	\$ 17.50	Hourly Rate
Auxilliary	Game Help - Chain Crew	\$ 11.25	Hourly Rate
Auxilliary	Game Help - Custodial Supervisor	\$ 10.00	Hourly Rate
Auxilliary	Game Help - Field Gate	\$ 11.25	Hourly Rate
Auxilliary	Game Help - Game Clock	\$ 15.00	Hourly Rate
Auxilliary	Game Help - Parkers	\$ 10.00	Hourly Rate
Auxilliary	Game Help - Parking Supervisor	\$ 20.00	Hourly Rate
Auxilliary	Game Help - Pass/Band Gate	\$ 11.25	Hourly Rate
Auxilliary	Game Help - Porch Gate	\$ 11.25	Hourly Rate
Auxilliary	Game Help - Press Box Coordinator	\$ 13.75	Hourly Rate
Auxilliary	Game Help - Press Box Host	\$ 8.50	Hourly Rate
Auxilliary	Game Help - Pressbox Technician	\$ 20.00	Hourly Rate
Auxilliary	Game Help - Reserve Ushers	\$ 8.50	Hourly Rate
Auxilliary	Game Help - Scoreboard	\$ 8.50	Hourly Rate
Auxilliary	Game Help - Spotter	\$ 8.50	Hourly Rate
Auxilliary	Game Help - Tea Sales	\$ 8.50	Hourly Rate
Auxilliary	Game Help - Ticket Seller	\$ 11.25	Hourly Rate
Auxilliary	Game Help - Ticket Taker	\$ 8.50	Hourly Rate
Auxilliary	Game Help - Video Board	\$ 13.75	Hourly Rate
Paraprofessional	Administrative Assistant_Central Office	\$ 13.25	Hourly Rate
Paraprofessional	Aide_After School Care	\$ 10.00	Hourly Rate
Paraprofessional	Aide_Instructional	\$ 10.00	Hourly Rate
Paraprofessional	Clerk_Office Elementary	\$ 9.50	Hourly Rate
Paraprofessional	Clerk_Office Secondary	\$ 11.00	Hourly Rate
Paraprofessional	Clerk_Office Central Office	\$ 11.00	Hourly Rate
Paraprofessional	Nurse (LVN)	\$ 16.00	Hourly Rate
Paraprofessional	Paraprofessional (Summer School)	Regular Hourly Rate (if working in the same paraprofessional position as in the regular school year)	
Paraprofessional	Secretary_Elementary	\$ 10.00	Hourly Rate
Paraprofessional	Secretary_Secondary	\$ 11.00	Hourly Rate
Paraprofessional	Specialist (Para)Central Office	\$ 13.25	Hourly Rate
Paraprofessional	Student Internship	\$ 10.00	Hourly Rate
Paraprofessional	Technician Technology (Para)	\$ 13.50	Hourly Rate
Paraprofessional	Videographer (WISD TV)	\$ 15.50	Hourly Rate
Professional	Administrator_Central Office	Negotiated	
Professional	Assistant Principal_Elementary	\$ 220.04	Daily Rate
Professional	Assistant Principal_High School	\$ 266.24	Daily Rate
Professional	Assistant Principal_Middle	\$ 242.04	Daily Rate
Professional	Coordinator (Professional)	\$ 26.00	Hourly Rate
Professional	Nurse (RN)	\$ 24.00	Hourly Rate
Professional	Principal	Negotiated	
Professional	Professional (Instructional_Non Teacher)	\$ 22.00	Hourly Rate
Professional	Professional (Non_Instructional)	\$ 22.00	Hourly Rate
Professional	After School Program Coordinator (Professional)	\$ 25.75	Hourly Rate
Professional	Specialist (Professional)	\$ 16.00	Hourly Rate
Professional	Teachers (Other)	\$ 22.00	Hourly Rate

**2016-2017  
Proposed  
Temporary Employee Rates**

Professional	Teachers (Summer School)	\$28.00	Hourly Rate
Professional	Elem Campus Admin (Summer School)	\$30.00	Hourly Rate
Professional	Middle Sch Admin (Summer School)	\$33.00	Hourly Rate
Professional	High School Admin (Summer School/ Compensatory)	\$36.00	Hourly Rate
Professional	Teachers (Summer School/ Non Compensatory)	\$ 25.00	Hourly Rate
Professional	Tutor - Music (Degreed)	\$ 30.00	Hourly Rate
Paraprofessional	Tutor - (High School Diploma/Less than Nine College Hours in Core Content)	\$ 10.00	Hourly Rate
Paraprofessional	Tutor - High School Peer Tutors	\$10.00	Hourly Rate
Professional	Tutor (Non-Degreed - Min of Nine Hours in Core Content)	\$ 12.50	Hourly Rate
Professional	Tutor (Degreed - Min of Nine Hours in Core Content)	\$ 16.00	Hourly Rate
Professional	Tutor (Degreed / Certified)	\$ 22.00	Hourly Rate
<p><i>Note: Any temporary employment position not listed above will be paid the current minimum hourly wage. Current full time nonexempt employees who work more than 40 hours in a workweek must be paid time-and-a-half of their regular hourly rate for each hour worked over 40. Each workweek stands alone for the purpose of determining an employee's regular hourly rate of pay for that week. If an employee is not paid on an hourly basis, that person's regular hourly rate must be calculated based on his or her total pay and hours worked for that week. As a rule, an employee who works two or more jobs at different rates of pay must receive overtime pay that equals time-and-a-half of the weighted average of all rates of pay for all hours worked in that workweek.</i></p>			

**Waco Independent School District  
2016-2017 Stipend Schedule**

A stipend form must be completed and submitted to Human Resources. All stipends are subject to certification and schedule verification and may not be paid until the employee's first or second paycheck of the year.

\*To receive full stipend amount, teachers must have certification in the content area. Stipend amount is prorated based on the number of sections taught in that subject/content area.

\*\* Middle School Math & Science teachers who possess a Generalist 4-8 certification are eligible to receive half (50%) of the content area stipend. Stipend amount will then be prorated based on the number of sections taught in the content area.

\*\*\* Elementary ESL paid according to the percentage of assigned ESL students, minimum \$250. Secondary ESL stipend is prorated based on the number of sections taught.

Position Description	Amount
<b>Critical Area Stipends</b>	
Math Stipend Middle School (MATH CERTIFIED ONLY)**	\$6,000
Science Middle School Stipend (SCIENCE CERTIFIED ONLY) **	\$6,000
Math & Science Middle School (GENERALIST CERTIFICATION)	Generalist 4-8 certification will receive 50% of the content stipend.
Math / Physics High School Stipend (CERTIFIED ONLY)	\$8,000
Science High School Stipend - Including Chemistry (CERTIFIED ONLY)	\$8,000
Engineering High School (Funded out of CTE Budget)	\$8,000
Master Reading Teacher (Must complete the Master Reading Teacher training designated by the district. Up to 23 stipends budgeted and must be assigned by the Assistant Superintendent of Curriculum and Instruction.)	\$1,000
Special Education Self – Contained: PPCD, Functional Academics	\$2,000
Bilingual Stipend (CERTIFIED ONLY)	\$4,500
BASE	\$3,000
RDSPD w/Deaf Ed Certification	\$1,000
Speech Therapist Bilingual/Translator	\$3,000
Diagnostician, LSSP Bilingual/Translator	\$3,000
Special Education Aide – PPCD, Functional Academics, BASE	\$500
Deaf Interpreter – Cert. Level I,II,III	\$1,000
Foreign Languages (CERTIFIED ONLY)	\$3,000
ESL (CERTIFIED ONLY)***	\$2,000
<b>Lead / Program Oversight Stipends</b>	
Lead Nurse	\$1,000
Lead Secondary Counselor	\$1,000
Lead Elementary Counselor	\$1,000
Lead Art	\$1,000
Lead PE	\$1,000
Lead Librarian	\$1,000
Suspend Kids to School Program Oversight	\$7,000
Safe School Ambassador (Must be paid by campus budget and duties are performed outside of work hours.)	\$1,150
Student Court Coordinator (Must be paid by campus budget.)	\$2,200
Peer Mediation (Must be paid by campus budget and duties are performed outside of work hours.)	\$1,150

**Waco Independent School District  
2016-2017 Stipend Schedule**

A stipend form must be completed and submitted to Human Resources. All stipends are subject to certification and schedule verification and may not be paid until the employee's first or second paycheck of the year.  
 \*To receive full stipend amount, teachers must have certification in the content area. Stipend amount is prorated based on the number of sections taught in that subject/content area.  
 \*\* Middle School Math & Science teachers who possess a Generalist 4-8 certification are eligible to receive half (50%) of the content area stipend. Stipend amount will then be prorated based on the number of sections taught in the content area.  
 \*\*\* Elementary ESL paid according to the percentage of assigned ESL students, minimum \$250. Secondary ESL stipend is prorated based on the number of sections taught.

Position Description	Amount
<b>Specialized Stipends</b>	
Certified Nurse Assistant (CNA) Course (w/ Texas Department of Aging and Disability Services approval). Teacher must have an RN designation.	\$8,000
Advanced Certified Nurse Assistant (CNA) Course. Teacher must have an RN designation.	\$8,000
Certified Nurse Assistant (CNA) Course (w/ Texas Department of Aging and Disability Services approval). Teacher with only a LVN designation.	\$4,000
Welding	\$4,500
Precision Metal	\$4,500
Alternative Stipend (ONLY Classroom Teachers)	\$1,000
New Teacher Mentor Stipend	\$500
<b>National Board Certification</b>	<b>Varies</b>
Work in a core content area on a WISD TEA rated Met Standard campus & meeting the National Board Mentorship expectations for one or two mentees.	\$2,500
Work in a core content area on a TEA rated Not Met Standard campus & meeting the National Board Mentorship expectations for at least three mentees.	\$5,000
Work in a non – core content subject (such as PE or Art) at any campus and meet the National Board Mentorship expectations for one to two mentees.	\$2,400
Dual Credit Stipend (per semester)	\$2,433 per semester per class
PDS Mentor Stipend (Baylor)	Various
<b>Department Chairs</b>	
Montessori Stipend “Grandfathered Only”	\$1,000
<b>Fine Arts</b>	
High School Band Director (207 Day Calendar)	\$10,500
High School Assistant Band Director (207 Day Calendar)	\$5,000
Middle School Band Director	\$3,250
Middle School Assistant Band Director	\$1,500
Steel Drums Director	\$2,000
High School Mariachi Band Director	\$1,250
Instrumental Music – Cluster Lead Teacher	\$4,500
Color Guard/Flag Corps	\$1,000
Jazz/Stage Band	\$1,000
ROTC Marching Guards (207 day calendar)	\$3,000
High School Choir Director	\$5,500
High School Assistant Choir Director	\$3,500
High School Show Choir Director	\$1,000
Middle School/6 <sup>th</sup> /Grade Choir Director	\$2,500
Choral Music – Cluster Lead Teacher	\$3,500
High School Orchestra Director	\$4,000
Multi Campus Orchestra Director	\$6,000
Middle School Orchestra Director – Per Campus	\$1,500

**Waco Independent School District  
2016-2017 Stipend Schedule**

A stipend form must be completed and submitted to Human Resources. All stipends are subject to certification and schedule verification and may not be paid until the employee's first or second paycheck of the year.

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\*\* Middle School Math & Science teachers who possess a Generalist 4-8 certification are eligible to receive half (50%) of the content area stipend. Stipend amount will then be prorated based on the number of sections taught in the content area.

\*\*\* Elementary ESL paid according to the percentage of assigned ESL students, minimum \$250. Secondary ESL stipend is prorated based on the number of sections taught.

Position Description	Amount
High School Theater Arts Director	\$3,500
High School Assistant Theater Arts Director	\$2,000
Middle School Theater Arts Director	\$1,500
Performing Arts Facility Manager	\$2,000

**Athletic Stipends**

Note: Any Head/J.V./9<sup>th</sup> grade coach will have a second assignment

**\*Sector Coordinator (WHS Sector or UHS Sector) \$7,000**

**\* Boys Athletic Stipends**

Football Head Offensive/Defensive Coordinator	\$7,500
Head Basketball Coach	\$8,000
Head Baseball Coach	\$6,000
Head Soccer	\$6,000
Head Track/Cross Country	\$6,000
Boys Assistant Football Coach	\$6,300
Boys Assistant Baseball Coach	\$5,250

**\*Includes \$1,000 for football related responsibilities: 15 days report prior to first day for teachers and \$500 for football spring training (if applicable).**

**\*Boys J.V. Coach**

Football	\$5,700
Baseball	\$4,725
Basketball	\$4,725
Track/Cross Country	\$4,200
Soccer	\$4,200

**\*Includes \$500 for football related responsibilities: 15 days early report (if applicable)**

**\*Boys 9<sup>th</sup> Grade Coach**

Football	\$4,725
Baseball	\$4,200
Basketball	\$4,200
Track	\$3,675
Soccer	\$3,675

**\*Includes \$500 for football related responsibilities: 15 days early report (if applicable)**

**\*Girls Athletic Stipends**

Head Basketball Coach	8,000
Head Volleyball Coach	\$7,000
Head Soccer Coach	\$6,000
Head Softball Coach	\$6,000
Head Track	\$6,000

**\*10 days early report prior to the first report day for teachers**

Position Description	Proposed Amount
<b>*Girls J.V. Coach</b>	
Basketball	\$4,725
Volleyball	\$4,725
Soccer	\$4,200
Softball	\$4,200

**\*10 days early report prior to the first day for teachers**

<b>Girls 9<sup>th</sup> Grade Coach</b>	
Basketball	\$4,200
Volleyball	\$4,200
Track	\$3,675
Assistant Coach – all sports except Football and Baseball	\$2,700



**Waco Independent School District  
2016-2017 Stipend Schedule**

A stipend form must be completed and submitted to Human Resources. All stipends are subject to certification and schedule verification and may not be paid until the employee's first or second paycheck of the year.

\*To receive full stipend amount, teachers must have certification in the content area. Stipend amount is prorated based on the number of sections taught in that subject/content area.

\*\* Middle School Math & Science teachers who possess a Generalist 4-8 certification are eligible to receive half (50%) of the content area stipend. Stipend amount will then be prorated based on the number of sections taught in the content area.

\*\*\* Elementary ESL paid according to the percentage of assigned ESL students, minimum \$250. Secondary ESL stipend is prorated based on the number of sections taught.

Position Description	Amount
<b>Single Sport</b>	\$2,000
<b>Athletic Trainers</b>	
Boys	\$10,000
Girls	\$10,000
<b>Middle School Coaches</b>	
Middle School Coordinators	\$1,000
Middle School Coaches (3 sports)	\$5,100
<b>Miscellaneous Athletic Stipends</b>	
High School Tennis (Girls & Boys)	\$6,100
High School Golf (Girls & Boys)	\$5,800
Tier II (Non/Minimal Revenue)	\$700
Middle School Single Sport After School	\$1,200
High School Boys & Girls Second Assignment	\$2,700
Middle School 4 <sup>th</sup> Sport	\$1,575
Single Sport Stipend (4 Stipends at UHS and 4 Stipends at WHS -- Assigned by WISD Athletic Director)	\$2,000
<b>Extra-Curricular Activities</b>	
Varsity Cheerleader Sponsor	\$3,500
Junior Varsity Cheerleader Sponsor	\$2,500
9 <sup>th</sup> Grade Cheerleader Sponsor	\$2,000
Middle School Cheerleader Sponsor	\$1,250
UIL Coordinator for High School	\$1,500
Varsity Drill Team Sponsor	\$3,500
9 <sup>th</sup> Grade Drill Team Sponsor	\$1,500
High School Mock Trial (may include Speech/Debate)	\$3,000
Speech / Debate (w/o Mock Trial)	\$2,530
High School Academic Decathlon/Octathlon/Pentathlon	\$3,000
High School Assistant Academic Decathlon/Octathlon/Pentathlon	\$1,500
High School Newspaper Sponsor	\$1,200
High School Yearbook Sponsor	\$1,800
High School Student Council Sponsor	\$1,000
Special Olympics Coach	\$3,900

**Waco Independent School District**  
***Board of Trustees Board Meeting Item***

**Date:** August 4, 2016

**Contact Person:** Alfonso Saldaña

**RE: Approve the 2016-2017 WISD Student Code of Conduct (SCC)**

=====

**Background Information:**

TASB does not update the Model Student Code of Conduct (MSCC) in non-legislative years. The 2016 TASB MSCC is the most current. The amended changes reflect the 2016 MSCC.

**Fiscal Implications:**

None

**Administrative Recommendation(s):**

The Administration recommends that the Board of Trustees approve the edited 2016-2017 WISD Student Code of Conduct as presented.



# Student Code of Conduct

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20165-20167

RESPONSIBILITY ~ COOPERATION ~ RESPECT ~  
COMPASSION ~ SELF-DISCIPLINE ~ SELFLESSNESS ~  
TRUSTWORTHINESS/HONESTY ~ COURAGE ~ TOLERANCE ~  
CHARACTER EDUCATION TRAITS ~

# ACKNOWLEDGMENT

---

## *Student Code of Conduct Electronic Distribution Acknowledgment*

Dear Student and Parent:

As required by state law, the Board of Trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or campus administrator.

The student and parent should each sign this page in the space provided below, and then return the page to the student's school.

Thank you,

Dr. Bonny Cain  
Superintendent of Schools

We acknowledge that we have been offered the option to receive a paper copy of the Waco Independent School District ("District") Student Code of Conduct for the 201~~56~~–201~~67~~ school year or to electronically access it on the District's Web site at [www.wacoisd.org](http://www.wacoisd.org). We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct.
- Accept responsibility for accessing the Student Code of Conduct on the District's Web site.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

Grade level: \_\_\_\_\_

Please sign this page, remove it, and return it to the student's school. Thank you.

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# STUDENT CODE OF CONDUCT

## **Purpose**

The Student Code of Conduct is the District’s response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the District to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP) , or expulsion from school.

This Student Code of Conduct has been adopted by the Waco ISD Board of Trustees and developed with the advice of a District-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the District’s web-site ([www.wacoisd.org](http://www.wacoisd.org)). Parents shall be notified of any conduct violation or alleged conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the District’s Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code shall prevail.

**Please Note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws, to the extent those laws conflict with this Code; otherwise students with disabilities are still subject to the provisions of this Code. (See paragraph on “Students with Disabilities in Section 4 – Discipline Management Techniques”.)

## **Contents**

This Code is organized into the following sections:

1. School District Authority and Jurisdiction	page 8
2. Standards for Student Conduct	page 10
3. General Conduct Violations	page 13
4. Discipline Management Techniques	page 18
5. Removal from the Regular Educational Setting	page 22
6. Out-of-School Suspension	page 24
7. DAEP Placement	page 25



- 8. Placement and/or Expulsion for Certain Serious Offenses
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page ~~32~~3  
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# 1. School District Authority and Jurisdiction

## ***Campus Behavior Coordinator***

As required by law, at least one person at each campus must be designated to serve as campus behavior coordinator. The designated person(s) may be the principal of the campus or any other campus administrator selected by the principal. A campus behavior coordinator is primarily responsible for maintaining student discipline. The District maintains a current list of the persons serving as campus behavior coordinator on the District's website at ([www.wacoisd.org](http://www.wacoisd.org)).

School rules and the authority of the District to administer discipline apply whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school related activity on District transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
6. When criminal mischief is committed on or off school property or at a school-related event;
7. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
8. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another District in Texas;
9. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
10. When the student is required to register as a sex offender.

The District has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the District.

The District has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district. For additional information and notifications regarding searches, see the Student Handbook and Waco ISD Board Policy FNF (Local) (entitled "Student Rights and Responsibilities; Interrogations and Searches").

### ***Reporting Crimes***

The principal, campus behavior coordinator or other school administrators shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

### ***'Parent' Defined***

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

### ***Participating in Graduation Activities***

The District has the right to limit a student’s participation in graduation activities for violating the District’s Code of Conduct. Participation might include a speaking role, as established by District policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the District’s Code of Conduct resulting in an out-of-school suspension, removal to a DAEP, JJAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the District’s Code resulting in an out-of-school suspension, removal to a DAEP, JJAEP, or expulsion during the semester immediately preceding graduation.

See **DAEP—Restrictions during Placement** on page 30, for information regarding a student assigned to DAEP at the time of graduation.

## 2. Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet District and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other District staff and volunteers.
- Respect the property of others, including District property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

It is the responsibility of parents or guardians to see that a student is dressed and groomed according to the standards of the District. All students enrolled at a school with a Standard Mode of Dress Policy must follow the District dress code as well as the mode of dress regulations of the campus that they are attending.

Teachers have the responsibility to enforce the dress code. The final authority for interpreting, enforcing, and permitting deviations of the dress code rests with the principal, campus behavior coordinator or his/her designee. Students are expected to be appropriately dressed and groomed at school and at school functions. Specific standards for appropriate dress and grooming for all District students are as follows:

### ***General Dress and Grooming Code:***

- a. Articles of clothing with pictures, emblems, or writings that are lewd, offensive, vulgar, or obscene, or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under **Board Policy FNCA (LOCAL)** are not allowed.
- b. Students must wear shoes. No beach-style flip-flops or house shoes will be allowed.
- c. Hats, caps, and hoods may not be worn inside the school building during the school day. These items may be worn at other school sponsored events as determined appropriate by the principal or designee.
- d. Doo rags, bandannas, and visors are not to be worn at school or at any school sponsored activities.
- e. Sunglasses, or other glasses not required for vision correction, may not be worn inside the building.
- f. Pants with holes or are frayed may not be worn. Garments must be hemmed or cuffed appropriately.
- g. Athletic/gym styled shorts may not be worn except in PE/athletic type class.
- h. Undergarments must be appropriately covered by a student's clothing.

- i. Inappropriate appearance will not be allowed. Clothes should fit and be worn appropriately. Pants are to be worn at waist and with a belt (if the pants have belt loops), and shirts buttoned. All shirts shall be tucked in pants and/or skirts if they extend beyond the end of the student's fingertips. Cardigan sweaters, pullover sweaters, and sweatshirts may be worn outside of pants and skirts. No sagging pants or oversized clothes are permitted. Underwear type shirts such as tank tops or muscle shirts are not acceptable and may only be worn with t-shirts under them. The decision on whether a style is appropriate will be at the discretion of the principal or his/her designee.
- j. Tattoos or fake tattoos are allowed if they are not lewd, offensive, vulgar, or obscene, or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under **Board Policy FNCA (LOCAL)**.
- k. "Grillz" or temporary decorations on teeth are not to be worn.

**Girls' Dress and Grooming Code:**

- a. Girls will not wear halters, tank tops, tops that expose any part of the midriff, low-cut dresses/tops, short-shorts or excessively tight clothing. The neck opening on any type of dress, shirt, or blouse may not exceed the equivalent of the second button below the collar.
- b. Hair must not be rolled, tied in a scarf, or covered by a hat, bandanna, or a cap. Hair must not be dyed to extremes and haircuts that are unusual or bizarre such as lines, numbers, and design shapes will not be allowed.
- c. Girls must wear brassieres or appropriate undergarments.
- d. Pierced earrings may be worn on the ear(s) only. All other body-piercing jewelry is prohibited. Piercing in the ears must be of a nature or amount that is not distracting to the educational environment.
- e. Skirts, dresses, and shorts must extend beyond the end of the student's fingertips when standing.

**Boys' Dress and Grooming Code:**

- a. Boys must wear shirts with sleeves. The neck opening on any type of shirt may not exceed the equivalent of the second button below the collar.
- b. Boys' haircuts must be neat and in good taste. Hair may not be dyed to extremes and haircuts which are bizarre or unusual will not be allowed, such as lines, numbers, and design shapes. Mustaches and beards shall be acceptable if neatly trimmed.
- c. Pierced earrings may be worn on the ear(s) only. All other body-piercing jewelry is prohibited.
- d. Boys' hair shall not be tied up in a scarf, bandanna, or covered by a hat, a hood, cap or visor.

***Dress and Grooming Code Violation Procedure:***

One of the following procedures will be followed when students are found to be inappropriately dressed:

- a. The student will be given a change of clothing and the parent/guardian notified or,
- b. Parents/guardians will be notified and requested to bring the appropriate apparel to school. If parents cannot come with a change of clothes, the student will be asked to change into clothing provided by the school or they will be assigned to in-school suspension (ISS) for the remainder of the day or until the problem is corrected.

Repeated offenses may result in more serious disciplinary action. Appropriate discipline action shall be followed in all cases in accordance with the Student Code of Conduct. Absences incurred due to inappropriate dress will be considered unexcused. **[See Board Policies FO, FOA, FOD]**

### **3. General Conduct Violations**

The categories of conduct below are prohibited at school, in vehicles owned or operated by the District, and at all school-related activities, but the list does not include the most serious offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detailed in that section.

#### ***Disregard for Authority***

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on District vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

#### ***Mistreatment of Others***

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a District student, employee, or volunteer (including off school property if the conduct causes a substantial disruption to the educational environment).
- Engage in conduct that constitutes sexual or gender harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, Board member, employee, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a District student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Retaliate against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying.

- Make a false report against an employee.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)

### ***Property Offenses***

Students shall not:

- Damage or vandalize property owned by others. (For non-felony criminal mischief see DAEP Placement and for criminal mischief that is punishable as a felony see Expulsion.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means. (For non-felony criminal mischief see DAEP Placement and for criminal mischief that is punishable as a felony see Expulsion.)
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion.)

### ***Possession of Prohibited Items***

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person (For weapons and firearms see DAEP Placement and Expulsion.);
- A “look-alike” weapon;
- An air gun, pellet gun or BB gun;
- Ammunition;
- A stun gun;
- A pocketknife or any other small knife; (see Mandatory DAEP Placement for consequences.)
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes (see glossary); and any component, part, or accessory of an e-cigarette device.
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)



## **Possession of Telecommunications or Other Electronic Communication Devices**

In the 21<sup>st</sup> Century, technological advances have increased. Schools have not been left out of these advancements. Instructional technology has become increasingly more popular. Technology tools are must haves for the classroom of today. Each tool provides teachers with a method in which they can actively engage their students in the learning process. Today's students are digital natives and as such the use of technology in education has proven to be effective.

The District permits students to possess personal cellular telephones; however, except for high school students (addressed below) these devices must remain turned off and out of sight during the instructional day unless they are being used for approved instructional purposes as identified by their teachers.

Elementary and middle school students may not use such devices in the hall or common/corporate areas or times (lunch, etc.) during the school day.

High school students may carry cellular phones as long as the phones are not visible and remain in the off mode except during lunch and passing periods at which times use is permitted. Campus administrators shall have the discretion to determine the appropriate use of cellular phones for students participating in or attending extracurricular activities while on school property or while attending school- sponsored school-related activities on or off school property.

Students shall not use a telecommunications device, including a cellular telephone, or other electronic device in violation of District and campus rules. If a student violates the cell phone rules, it may be confiscated by school staff. If confiscated, the parent may pick it up from the office for a fee of \$15.00.

The use of mobile telephones or any device capable of capturing images (whether pictures or video) is strictly prohibited in locker rooms, or restroom areas while at school or at school-related or school-sponsored events.

## **Misuse of Technology Resources and the Internet**

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the District, students, or employees or upload or create computer viruses (including off school property if the conduct causes a substantial disruption to the educational environment).
- Attempt to alter, destroy, or disable District technology resources including but not limited to computers and related equipment, District data, the data of others, or other networks connected to the District's system (including off school property if the conduct causes a substantial disruption to the educational environment).

- Use the Internet or other electronic communications to threaten District students, employees, Board members or volunteers (including off school property if the conduct causes a substantial disruption to the educational environment).
- Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyber bullying and "sexting" (including off school property), if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or websites to engage in or encourage illegal behavior or threaten school safety, (including off school property, if the conduct causes a substantial disruption to the educational environment).

### ***Illegal, Prescription, and Over-the-Counter Drugs***

Students shall not:

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For usable amounts of marijuana, as well as other illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for "paraphernalia.")
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See glossary for "abuse.")
- Abuse over-the-counter drugs. (See glossary for "abuse.")
- Be under the influence of prescription or over-the-counter drugs that causes impairment of the physical or mental faculties. (See glossary for "under the influence.")
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by District policy. FFAC (Local)

### ***Safety Transgressions***

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral) or written exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety. (For false alarm or report and terroristic threat (including bomb threats) see DAEP Placement and Expulsion.)
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.

- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

**Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in this Student Code of Conduct and /or the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions (whether on or off school property) or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct. (See below.)

The District may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of this Code.

## 4. Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative discipline practices. Discipline shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense, including misconduct in a District vehicle owned or operated by the District, unless otherwise specified by law, may bring into consideration varying techniques and responses.

### ***Students with Disabilities***

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law shall prevail.

In accordance with the Education Code, a student who ~~is enrolled in~~ receives special education program services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the District shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### ***Special Education Disciplinary Procedures***

The discipline of students with disabilities is subject to applicable state and federal laws in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

Any disciplinary action that would require a change in placement for longer than 10 days (for the entire year), for a student with disabilities will occur only after an ARD committee has met and a manifestation determination hearing has been conducted. All guidelines of the manifestation determination must be followed before any decision by the ARD committee or administrator is made as to placement in a DAEP and/or expulsion. Placement, as it is defined here, means a DAEP placement or an expulsion and a recommendation for placement in the Juvenile Justice Alternative Education Program (JJAEP).

#### **In General**

The Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et.seq.) imposes a number of procedural requirements when a school District contemplates disciplinary actions against a student with a disability. A student with a disability who receives special education

services may not be placed in a Disciplinary Alternative Education Program (DAEP) solely for educational purposes. The student must have engaged in misconduct warranting DAEP placement and is entitled to all due process afforded to a nondisabled student accused of the same conduct. Any disciplinary action regarding a student with a disability that would constitute a change in placement involves additional legal requirements. School personnel are authorized by IDEA to consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for the child with a disability who violates a code of student conduct. 20 U.S.C. 141 (k) (1) (A) and TEC 37.004.

#### Placement in Alternative Educational Setting

In addition to removal for up to ten school days, school personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student’s disability, in cases where a student:

- 1) Carries or possesses a weapon to or at school, on school premises, or to or at a school function;
- 2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- 3) Has inflicted “serious bodily harm” upon another person while at school, on school premises, or at a school function. 20 U.S.C. 1415 (k) (1) (G) and U.S.C. 1365 (h) (3).

#### State Law Bullying Provisions Concerning Special Education Students

1. Texas Law contains two main provisions that relate to bullying and the special education student. Texas Education Code 37.001 (b-1) provides that a student who is enrolled in special education may not be disciplined for bullying, harassment or making hit lists until an ARD committee meeting has been held to review the conduct.
2. A second provision relates to transfers of special education students. Under Education Code 25.0342 (b-1) (effective 2012-2013), the Board of Trustees may transfer a student found to have engaged in bullying to another classroom or campus in the District. However, under Education Code 37.004, special education placements may be made only by a duly constituted ARD Committee. Further, any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student’s ARD committee conducts a manifestation determination review under 20 U.S.C. 141 (k)(4). Any disciplinary action shall be in accordance with federal laws and regulations, including laws or regulations requiring the provision of (a) functional behavioral assessments; (b) positive behavior interventions, (c) behavioral intervention plans, and (d) the manifestation determination review. TEC 37.004(b), (1)-(4).

### **Techniques**

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions—for conduct/behavior prohibited by or in violation of the Student Code of Conduct or by campus or classroom rules:

- Verbal and/or written correction.
- Cooling-off time or “time-out.”
- Seating changes within the classroom or vehicles owned or operated by the District.
- Temporary confiscation of items that disrupt the educational process.
- Incentives
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- In-School-Suspension (“ISS”) – (see glossary for definition of ISS)
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations’ extracurricular standards of behavior.
- Restriction or revocation of District transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Peer Mediation -Secondary Schools (See glossary for Peer Mediation)
- Student Court -High Schools (See glossary for Student Court)
- Diversion Course -Secondary Schools (See glossary for Diversion Course)
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Safe School Ambassador Program -Secondary Schools (See glossary for Safe School Ambassador Program)
- Other strategies and consequences as determined by school officials.

**NOTE: Corporal punishment is NOT an approved discipline management technique.**

### ***Notification***

A campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. A campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, a campus behavior coordinator shall send written notification by U.S. Mail. If a campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

### ***Appeals***

Questions from parents regarding disciplinary measures should be addressed to the teacher campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use/imposition of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through Policy online at the following address: [www.wacoisd.org](http://www.wacoisd.org).

Consequences (Imposition of Discipline Management Techniques) shall not be deferred pending the outcome of any appeal/grievance.

### ***Removal from the School Bus***

A bus driver may refer a student to a campus behavior coordinator's office to maintain effective discipline on the bus. A campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the District's primary responsibility in transporting students in District vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, a campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

## 5. Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

### ***Routine Referral***

A routine referral occurs when a teacher sends a student to a campus behavior coordinator's office as a discipline management technique. A campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

### ***Formal Removal***

A teacher or administrator may send a student to a campus behavior coordinator's office to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to communicate effectively with his or her class or with the student's classmates' ability to learn; or
2. The student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with his or her class or with the students in the classroom ability to learn.

Within three school days of the formal removal, a campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher (in the case of removal by a teacher), Office of Student Management and any other administrator.

At the conference, a campus behavior coordinator or appropriate administrator shall inform the student of the misconduct for which he or she is charged and the proposed consequences/discipline management techniques to be imposed. The student shall have an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, a campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP (emergency placement as approved by the Office of Student Management)



A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

***Returning Student to Classroom***

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

## 6. Out-of-School Suspension

### ***Misconduct***

Students may be suspended for any conduct/behavior listed in the General Conduct Violations section of this Code, for any conduct/behavior listed in the DAEP Placement section of this Code, or for any conduct/behavior listed in the Expulsion section of this Code.

### ***Process***

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with a campus behavior coordinator or appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by a campus behavior coordinator, but shall not exceed three school days.

In deciding whether to order out-of-school suspension, a campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, ~~and~~
3. The student's disciplinary history ~~or~~
- ~~3.4.~~ A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

## 7. Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

Summer programs provided by the District shall serve students assigned to a DAEP separately from those students who are not assigned to the program.

A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense (See Section 9 – Expulsion).

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, a campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, ~~and~~
3. The student's disciplinary history.
- ~~3.4.~~ A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### ***Discretionary Placement: Misconduct That May Result in DAEP Placement***

A student may be placed in a DAEP for any conduct/behaviors prohibited or listed in the General Conduct Violations section of this Code or for any conduct/behavior identified in State Law.

### ***Misconduct Identified in State Law***

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Criminal mischief, not punishable as a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the Superintendent or the Superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses

involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

A campus behavior coordinator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

### ***Mandatory Placement: Misconduct That Requires DAEP Placement***

Pursuant to §37.006 of the Texas Education Code a student must be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report or a terroristic threat involving a public school; however, this does not include, bomb threats, which are an expellable offense. (See section on Expulsion for bomb threats). (See glossary.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see glossary) under Texas Penal Code §22.01(a) (1).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.")
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Behaves in a manner that contains the elements of the offense or public lewdness or indecent exposure.
  - Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school sponsored or school-related event and :
    - a. The student receives deferred prosecution (see glossary),
    - b. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or

- c. The Superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this code.)
- Commits a federal firearms violation and is younger than six years of age.
- Engages in expellable conduct and is between six and nine years of age.

Pursuant to District policy a student shall be placed in a DAEP if the student:

- Possesses any knife including a pocketknife (as long as the knife is not a switchblade knife or an “illegal knife” under the Texas Penal Code; For switchblade knife and “illegal knife” see “Mandatory Expulsion” subsection 9 Expulsion)

### ***Sexual Assault and Campus Assignments***

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim’s parent or another person with the authority to act on behalf of the victim requests that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District. If there is no other campus in the District serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

### ***Emergencies***

In an emergency, the principal or the principal’s designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis upon approval by the Office of Student Management.

### ***Process***

Removals to a DAEP shall be made by a campus behavior coordinator and approved by the Office of Student Management.

### ***Conference***

When a student is removed from class because the student is accused of a DAEP offense, a campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student’s parent, the student, Office of Student Management, and the teacher, in the case of a teacher removal.

At the conference, a campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the proposed removal to a DAEP placement and shall give the student an explanation of the basis for the proposed removal and an opportunity to respond to the reasons for the proposed removal.

Following valid attempts to require attendance, the conference may be held and a placement decision shall be made by the Office of Student Management regardless of whether the student or the student's parents attend the conference.

### **Consideration of Mitigating Factors**

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, ~~and~~
3. The student's disciplinary history, or
- 3.4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### **Placement Order**

After the conference, if the student is placed in the DAEP, a campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the Board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice on the inconsistency.

### **Coursework Notice**

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

### **Length of Placement**

The duration of a student's placement in a DAEP shall be determined by a campus behavior coordinator.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The minimum DAEP placement shall be three school days and the maximum DAEP placement shall be one calendar year except as provided below.

## ***Disciplinary Alternative Education Program (DAEP) Placement***

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

### **Exceeds One Year**

Placement in a DAEP may exceed one year when a review by the District determines that the student is a threat to the safety of other students or to District employees. The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the Board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

### **Exceeds School Year**

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, a campus behavior coordinator or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the District's Code.

### **Exceeds 60 Days**

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the Board's designee.

## ***Appeals***

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Appeals regarding the decision to place a student in DAEP should be addressed to Student Management and/or the Superintendent's designee.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG (LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office or through Policy on Line at the following address: [www.wacoisd.org](http://www.wacoisd.org).

Appeals shall begin at Level One with the Coordinator of Student Management.

Disciplinary consequences shall not be deferred pending the outcome of any appeal/grievance. The decision to place a student in a DAEP cannot be appealed beyond the Board.

### ***Restrictions during Placement***

The District does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the DAEP shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

### ***Placement Review***

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by a campus behavior coordinator or the Office of Student Management at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### ***Additional Misconduct***

If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and a campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings upon approval by the Office of Student Management

### ***Notice of Criminal Proceedings***

Under State law, the office of the prosecuting attorney is required to notify the District when a student who was placed in a DAEP for certain offenses (including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon), and:

1. The student is not going to be prosecuted (i.e. the case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated); or
2. The court or jury found the student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

~~2.~~

If a student was placed in a DAEP for such conduct, on receiving the required notice from the prosecuting attorney, the Superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the Superintendent



or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the Superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the Board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the Superintendent or designee, and confirm or reverse the decision of the Superintendent or designee. The Board shall make a record of the proceedings.

If the Board confirms the decision of the Superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

### ***Withdrawal During Process***

When a student violates the District's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a placement order is completed, a campus behavior coordinator may complete the proceedings, issue a placement order and forward a copy to the Office of Student Management. If the student then reenrolls in the District during the same or a subsequent school year, the District may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If a campus behavior coordinator or Office of Student Management, fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

### ***Newly Enrolled Students***

The District shall continue the DAEP placement of a student who enrolls in the District and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the District.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this District, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the District determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

### ***Emergency Placement Procedure***

In an emergency, the principal or the principal's designees may order the immediate placement of a student in a DAEP upon approval by Student Management. When an emergency placement occurs, the student shall be given oral notice of the reason for the action. Not later than the tenth

***Disciplinary Alternative Education Program (DAEP) Placement***

day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

## **4.8. Placement and/or Expulsion for Certain Serious Offenses**

This section includes two categories of serious offenses for which the Education Code provides unique procedures and specific consequences.

### ***Registered Sex Offenders***

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders Juvenile Justice Alternative Education Program (JJAEP) placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the Board's designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the District's students.

### **Review Committee**

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the Board's designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

### **Newly Enrolled Students**

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

### **Appeal**

A student or the student's parent may appeal the placement by requesting a conference between the Board's designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the Board's designee under this section is final and may not be appealed.

### ***Certain Felonies***

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a

## ***Placement and/or Expulsion for Certain Serious Offenses***

student **may** be expelled and placed in either DAEP or JJAEP if the Office of Student Management or campus behavior coordinator makes certain findings (see below) and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or has been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The District may then expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the District, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

### **Hearing and Required Findings**

The student must first have a hearing before the board's designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the District's students.

Any decision of the Board's designee under this section is final and may not be appealed.

### **Length of Placement**

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

**Newly Enrolled Students**

A student who enrolls in the District before completing a placement under this section from another school District must complete the term of the placement.

## **5.9. Expulsion**

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, campus behavior coordinator will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, ~~and~~
3. ~~The student's disciplinary history, or-~~
- 3.4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### ***Discretionary Expulsion: Misconduct That May Result in Expulsion***

#### **Misconduct Regardless of Location**

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
  - Conduct that contains the elements of assault under Penal Code 22.01(a) in retaliation against a school employee or volunteer.
  - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
- Breach of computer security.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

#### **Misconduct at School, Within 300 Feet, or at a School Activity/Event**

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engaging in conduct that contains the elements of assault under Section 22.01(a) (1) of the Penal Code against an employee or a volunteer.

- Engaging in conduct that contains the elements of deadly conduct under section 22.05 of the Penal Code. (See glossary.)
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for “under the influence.”)
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.

### **Within 300 Feet of School**

A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student’s person a handgun, an illegal knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)
- Unlawfully carrying a weapon under Section 46.02, Texas Penal Code, or possession of a prohibited weapon under Section 46.05, Texas Penal Code, or possession of a firearm (as defined by federal law -18 U.S.C. Section 921).

~~Unlawfully carrying a weapon under Section 46.02, Texas Penal Code, or possession of a prohibited weapon under Section 46.05, Texas Penal Code, or possession of a firearm (as defined by federal law -18 U.S.C. Section 921).~~

### **Misconduct Occurring on Property of Another District**

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the

student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **Misconduct Occurring While in DAEP**

A student may be expelled for engaging in documented serious misbehavior (see glossary) that violates the District's Code, despite documented behavioral interventions, while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08, Penal Code;
  - c. Criminal mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.152; or
  - e. Harassment under Section 42.07(a) (1), Penal Code, of a student or District employee

### ***Mandatory Expulsion: Misconduct That Requires Expulsion***

A student **must** be expelled under federal law, state law or District policy for any of the following offenses that occur on school property or while attending a school-sponsored or school related activity on or off school property.

#### ***Under Federal Law - Firearms***

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

~~Bringing a firearm to school, as defined by federal law—"Firearm" under federal law includes:~~

- ~~• Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.~~
- ~~• The frame or receiver of any such weapon.~~
- ~~• Any firearm muffler or firearm weapon.~~
- ~~• Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.~~

#### ***Under the Texas Penal Code***



- A student shall be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property: Unlawfully carrying a weapon under Section 46.02, Texas Penal Code, or possession of a prohibited weapon under Section 46.05, Texas Penal Code. Carrying on or about the student's person the following, as defined by the Texas Penal Code
- “Weapon” includes:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
  - An illegal knife, as defined by state law. (See glossary.)
  - A club, as defined in state law. (See glossary.)
- ~~A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.~~
- ~~An illegal knife, which includes a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.~~
- ~~A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. (See glossary)~~
- ~~“Prohibited weapon” includes an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or tire deflation device. (See glossary.) Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)~~
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.

- o Indecency with a child.
  - o Aggravated kidnapping.
  - o Aggravated robbery.
  - o Manslaughter.
  - o Criminally negligent homicide.
  - o Continuous sexual abuse of a young child or children.
  - o Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act of offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

### ***Under District Policy***

- Possession of a switchblade knife on school property or while attending a school-sponsored or school-related activity on or off school property. (See glossary)
- Terroristic threat by making a bomb threat (regardless of location of the person making the threat).

### ***Under Age Ten***

A student that is under the age of ten, shall not be expelled for behavior that is expellable. Instead, the student shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

### ***Emergency***

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis upon approval of Student Management.

### ***Emergency Expulsion Procedures***

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### ***Due Process***

If a student is believed to have committed an expellable offense, a campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, a campus behavior coordinator may place the student in:

- Another appropriate classroom.

- In-school suspension.
- Out-of-school suspension.
- DAEP (emergency placements approved by Student Management).

### **Hearing**

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the District,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the District at the hearing.

After providing notice to the student and parent of the hearing, Office of Student Management may hold the hearing regardless of whether the student or the student's parent attends.

The Board of Trustees delegates to the Office of Student Management the authority to conduct hearings and expel students.

### **Expulsion Appeal**

After the due process Expulsion Hearing, the expelled student may request an administrative review of the expulsion decision to the Coordinator of Student Management and/or the Superintendent's designee. The student or parent must submit a written request to the Coordinator of Student Management and/or Superintendent's designee within seven days after receipt of the written order/decision. The Coordinator of Student Management and/or Superintendent's designee must provide the student or parent written notice of the date, time, and place of the meeting at which the Coordinator of Student Management and/or Superintendent's designee will conduct the review.

The Coordinator of Student Management and/or Superintendent's designee will review the record of the expulsion hearing and hear a statement from the student or parent and or any other administrator. The Coordinator of Student Management and/or Superintendent's designee or other District administrator at the review will base its decision on evidence reflected in the record and any statements made by the parties at the review. The Coordinator of Student Management and/or Superintendent's designee may make and communicate its decision orally at the conclusion of the presentation and follow up in writing or communicate the decision in writing to all parties within seven school days after the review. Consequences will not be deferred pending the outcome of any appeal/grievance or hearing.

### **Board Review of Expulsion**

After the administrative review, the expelled student may request that the Board review the expulsion decisions. The student or parent must submit a written request to the Superintendent within seven days after receipt of the written decision. The Superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board will review the decision.

The Board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting.

The Board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board shall make and communicate its decision orally at the conclusion of the presentation.

Consequences shall not be deferred pending the outcome of the Board review.

### **Expulsion Order**

Before ordering the expulsion, the Board or campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, ~~and~~
3. The student's disciplinary history, or
- ~~3.4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.~~

If the student is expelled, the Board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Board's designee or other appropriate administrator shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

### ***Length of Expulsion***

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below:

An expulsion may not exceed one year unless, after review, the District determines that:

1. The student is a threat to the safety of other students or to District employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

### ***Withdrawal during Process***

When a student has violated the District's Code in a way that requires or permits expulsion from the District and the student withdraws from the District before the expulsion hearing takes place, the District may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the District during the same or subsequent school year, the District may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the campus behavior coordinator or Office of Student Management fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

### ***Additional Misconduct***

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and a campus behavior coordinator or the Board may issue an additional disciplinary order as a result of those proceedings.

### ***Restrictions during Expulsion***

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No District academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another District-approved program.

### ***Newly Enrolled Students***

The District shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the District.

If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the District with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the District.

If a student is expelled by a district in another state for a period that exceeds one year and the District continues the expulsion or places the student in a DAEP, the District shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or District employees, or
2. Extended placement is in the best interest of the student.

***Emergency Expulsion Procedures***

When an emergency expulsion occurs, the student shall be given verbal reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

***Educational Services for Expelled Students***

The District may provide educational services to any expelled student in a JJAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

## **6-10. Glossary**

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Texas Penal Code 29.03(a) when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - a. 65 years of age or older, or
  - b. A disabled person.

**Armor-piercing ammunition** is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - 1) Knowing that it is within the limits of an incorporated city or town,
    - 2) Knowing that it is insured against damage or destruction,
    - 3) Knowing that it is subject to a mortgage or other security interest,
    - 4) Knowing that it is located on property belonging to another,
    - 5) Knowing that it has located within it property belonging to another, or
    - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damages or destroys a building belonging to another, or
  - b. Recklessly causes another person to suffer bodily injury or death.

**Assault** is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; 22.01 (a)(2) as intentionally threatening another with imminent bodily injury; and 22.01 (a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Bullying** is written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school related activity, or in a vehicle operated by the District that:

1. has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**Conduct described above is considered bullying if that conducts:**

1. exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

**Chemical dispensing device** is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

**Criminal street gang** is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyber bullying** is the use of any electronic communication device to engage in bullying or intimidation.

**Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

**Deadly conduct** occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**DAEP** (Disciplinary Alternative Education Programs) is defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades that are removed from their regular classes for mandatory or discretionary disciplinary reasons.

**Deferred adjudication** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

**Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.



**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**Discretionary** means that something is left to or regulated by a local decision maker.

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Diversion Course** is a combination of four core programs aimed at changing school climate and student behaviors while reducing the number of students that are issued citations at school, given Alternative School placement or creating a record with a juvenile court.

**Explosive weapon** is any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

**False Alarm or Report** occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

**Firearm** is defined by federal law (18 U.S.C. § 921(a)) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm weapon; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

**Firearm silencer** means any device designed, made, or adapted to muffle the report of a firearm.

**Handgun** is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

**Graffiti** are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Harassment** is:

1. Conduct that meets the definition established in District policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a District student, employee, Board member, or volunteer, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

**Hazing** is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

**Hit list** is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**Illegal knife** is defined by Texas Penal Code 46.01(6) as a

1. Knife with a blade of over five and one-half inches;
2. Hand instrument designed to cut or stab another by being thrown;
3. Dagger, including, but not limited to, a dirk, stiletto, or poniard;
4. Bowie knife;
5. Sword; or
6. Spear.

**In-School Suspension (ISS)** is a disciplinary consequence designed to help students learn how to function successfully in the classroom(s). Students may be assigned to ISS for one class period, several class periods, one day to multiple day assignments, depending on the severity of the offense. Students will be counted present in school and will receive credit for work completed. Students may not be assigned to ISS for more than 29 days per school year.

**Knuckles** are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Machine gun** is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Mandatory** means that something is obligatory or required because of an authority.

**Paraphernalia** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

**Peer Mediation** involves specially trained students of the same age group who facilitates resolving disputes between two people.

**Possession** means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

**Prohibited weapon under Texas Penal Code 46.05(a) means**

1. An explosive weapon;
2. A machine gun;
3. A short-barrel firearm or firearm silencer, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or classified as a curio or relic by the U.S. Department of Justice;
4. Knuckles;
5. Armor-piercing ammunition;
6. A chemical dispensing device;
7. A zip gun; or
8. A tire deflation device.

**Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are exempted from this definition.

**Reasonable belief** is a determination made by the Superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

**Safe School Ambassador Program** empowers leaders from the diverse groups and cliques on campus and equips them with nonviolent communication and intervention skills to stop bullying and violence among their peers.

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Serious misbehavior** means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;

- b. Indecent exposure under Section 21.08; Penal Code;
- c. Criminal mischief under Section 28.03, Penal Code;
- d. Personal hazing under Section 37.152; or
- e. Harassment under Section 42.07(a) (1), Penal Code, of a student or District employee

**Serious or persistent misbehavior** includes but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the District as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities
- Refusal to attempt or complete school work as assigned.
- Insubordination
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Short-barrel firearm** is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Student Court** is a type of judicial system occasionally seen in schools, particularly middle school, high school, and in some colleges and universities. They are most often engaged in conflict resolution and interpretation of student bylaws and constitutions.

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

**Terroristic threat** is a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

**Tire deflation device** is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 offenses** are those are those crimes listed in Title 5 of the Texas Penal Code that involve injury to a person and may include:~~that involve injury to a person and include:~~

- Murder;
- Kidnapping;
- Trafficking of persons;
- Smuggling or continuous smuggling of persons;
- Assault;
- Aggravated assault;
- Sexual assault;
- Aggravated sexual assault;
- Unlawful restraint;
- Voyeurism;
- Indecency with a child;
- Invasive visual recording;
- Disclosure or promotion of intimate visual material;
- Injury to a child, an elderly person, or a disabled person of any age;
- Abandoning or endangering a child;
- Deadly conduct;
- Terroristic threat;
- Aiding a person to commit suicide; and
- Tampering with a consumer product.

[See FOC (EXHIBIT)]

**Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

**Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

**Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.